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February 12, 2010

Mr. Bryan Fuell
Manager, Wells Field Office
Bureau of Land Management
Elko District Office
3900 East Idaho Street
Elko, NV 89801

Dear Mr. Fuell,

With reference to 4130 (NVE0300).

Thank you very much for the copy of the Hubbard Vineyard Grazing Permit Renewal: Environmental Assessment of January 21, 2010. I have read the preliminary documents that led up to this document and also the responses from the public. I think you and the BLM staff have done a remarkable job of responding to all the comments you've received, even those that seemed frivolous or tendentious. I would like to make a few comments on this version, although much of what I say reiterates a letter I wrote in 2008 regarding an earlier document.

I have been a member of the Shoesole Group for almost ten years, representing an environmentalist viewpoint. I have been impressed at how trust and candor among all the parties—BLM and other agencies, representatives of the public, and the ranchers—have grown during that time. We have been very fortunate to have some very good facilitators from other agencies. I am puzzled at the ferocity of some comments about this model of collaboration, but I suppose that the opposition is understandable. On the one hand, some ranchers resent government oversight and so are not amenable to cooperation. On the other hand, groups like Western Watersheds Projects, whose avowed aim is to drive all ranching off of public lands, dislikes such cooperation, especially if it might provide a workable alternative to their agenda. In response to their criticism of earlier drafts of the proposal, I can testify that at no time has the BLM surrendered its decision-making role. Another complaint of Western Watersheds Projects, that such collaboration is time-consuming and therefore expensive is true, but it is not nearly as time-consuming and expensive as responding to irrelevant issues and endless legal challenges. What seems to me to be the (probably intended) result of the latter is a gradual demoralization of the grazing permittees and the BLM itself.

There is certainly great value in setting aside wilderness areas and the designation of much federal land as wilderness is a great achievement. However, I think it is a mistake to make wilderness the bench mark and see economic use of public lands as therefore

casualties in a war waged without quarter; they are statistics, not people.²³ Finally, WWP doesn't seem to look past their goal of removing cattle from public lands. Ranches like the Hubbard Vineyard are checkerboards of public and private lands that need to be managed jointly. If the ranch becomes no longer viable, there is every chance that the private land will be subdivided or purchased by a wealthy absentee owner, who has no long-term familiarity with or love of this place. Then it will no longer be possible to manage the Hubbard-Vineyard as an ecological whole. A further difficulty about uncompromising and litigious policies like those of the WWP is that they are polarizing and create a backlash against environmental laws and policies.

²³ From another starting point, but with the same generalizations about ranchers, in his 1948 book on eugenics, *Road to Survival*, William Vogt excoriated American society for supporting the incompetent, "the senile, the incurables the insane, the paupers, and those who might be called ecological incompetents, such as the subsidized stockmen and sheepherders."

Alternative 4—Split livestock into three herds, which would be moved frequently through the allotment, leaving cattle in a pasture no more than 30 or 45 days.

This plan would be extremely difficult to implement with the fences situated the way the fences now. Even with new fences it would require moving the cattle so often that it would adversely affect the weight of the cattle and require more time from the ranchers than they could afford to invest in moving them.

That is where things stand at the end of January 2010. The final BLM decision, WWP's reaction to it, and if they litigate, the decision of the court, are yet to come.

Conclusion

There is no real need for an elaborate summary of the narrative presented above. Western Watersheds Project regards all ranching on public lands in the West as *abusive*. They are particularly outraged by what they term "holistic range management," which they wrongly identify with holistic planning. WWP is single-minded in its aims. They are not interested in any kind of compromise or civil conversation with anybody with the possible exception of the J. R. Simplot Co.). They vilify the BLM; they are condescending toward ranchers, people who "play at being cowboys." They will use every tool of rhetoric and litigation at their disposal to challenge ranching on public lands. They will challenge allotment renewals, forcing the BLM to rewrite and rewrite, until eventually WWP will find a judge whom they can convince with their rhetoric and tendentious science. Even if they don't succeed in winning a court decision, they can hope to wear down the BLM and the ranchers until they simply give up or run out of money to defend themselves.

There are some difficulties with this approach. One is that it slides easily from advocacy for the public interest, which is what the legal recourses open to WWP are meant to encourage, into propaganda which is not interested in objectivity, but in winning. Another problem is that WWP makes no distinction between ranchers who care about the land and strive to be good stewards and ranchers who don't care about the land and share WWP's contempt for the BLM and other government agencies.²² Conscientious ranchers are incidental civilian

²² In the nine years I have been part of the Boies Holistic Management Team grazing policies on the Hubbard Vineyard have resulted in obvious and measurable improvements to riparian and others areas on the ranch.

does use the Holistic Management *planning* process, but not the *grazing management* process.”²⁰ The rest of the responses politely answer accusations made in the WWP comments of July 30, 2009.

The other noteworthy change in this version of the Allotment Grazing Permit Renewal is that it adds two new alternatives to the three contained in the July 2009 “Hubbard Vineyard Allotment. Revised Evaluation.” The three options in the 2009 document were

“Alternative 1—No Action Alternative,” which would renew the grazing permits on the allotment for a 10-year period under existing terms.

Alternative 2—Proposed Action that is based on the current practice, with some alterations.

These two alternatives are included in the 2010 document. A third alternative that was included in the July 2009 document is “no grazing.” In the January 2010 document this is included in a section on “Alternatives Eliminated from Further Analysis.”²¹

Here are the two new alternatives included in the January 2010 document with what I think would be their effects:

Alternate 3—Reduce grazing from 13,031 AUMs (the figure set in Alternatives 1 & 2) to 7,790 AUMs and close Coon Creek, Devils’ Table, Hubbard Basin, and Cold Springs Mountain pastures to grazing use.

As mentioned earlier, this plan suggested by WWP would take 41,843 acres out of the grazing allotment. Also, it seems that because all the cattle would be in one pasture, the total number of cattle allowed on public land would have to be reduced to the carrying capacity of the smallest pasture (534 to 680 cattle, depending on the year in the grazing cycle). This plan would almost certainly make the ranch non-viable.

²⁰ Hubbard Vineyard Allotment. Revised Evaluation, July 2009, 66.

²¹ Hubbard Vineyard Allotment Grazing Permit Renewal. Environmental Assessment, January 10, 2010, 16-17. As was noted above, in the WWP letter of November 12, 2007, to the BLM, 4, Katie Fite suggested still another option: “Or perhaps the collaborative group members could take turns herding—since they are so enraptured with the cattle use on HV.” This, too, was put in the “Alternatives Eliminated from Further Analysis” section of the January 2010 document, because on the basis of studies and staff experience the BLM “considers this alternative to be ineffective, extremely costly, and unlikely to achieve substantial progress towards meeting Standards and Guideline for Rangeland Health.”

3. WWP alleges that "BLM prefers to let very significant water resources for wildlife be turned into arid gullies and dustbowls, instead of looking at their conditions, and taking necessary action to protect them." – Response: This is slander.

4. How can springs or of drainages with some perennial water "be restored" and "functioning riparian and meadow areas be improved for wildlife and the public—instead of filthy, stinking, west Nile habitats. Instead of bare banks and manure piles, how about native forbs in meadows." – Response: This is gratuitous rhetoric.

Finally, here are two examples that combine pot boiling rhetoric with gibberish, the second of which seems to be an instance of willful misunderstanding.

5. "BLM cannot rely on the outdated Bull Camp has a low priority argument. BLM must act to greatly improve conditions—or else the while drainage will become further desertified due to holistic grazing and trampling effects—and water flows disappear or become increasingly ephemeral." [Sic]

6. "BLM seems proud that the allotment 'has limited recreational opportunities.' What is meant by this? This is an important and scenic area, and the abusive livestock grazing is causing at least some of the 'limitation' in recreational opportunities of birdwatching, nature photography, camping, hiking, etc. Who wants to camp in a stinking holistically" [the last sentence is not completed]

January 21, 2010: BLM: Hubbard Vineyard Allotment Grazing Permit Renewal: Environmental Assessment (and associated documents)

This revision of the Hubbard Vineyard Allotment Grazing Permit Renewal Environmental Assessment contains a "Finding of No Significant Impact" that states: "The analysis of monitoring data included within the AE [Allotment Evaluation] and the EA [Environmental Assessment] concluded that attainment of, or progress towards attainment of multiple use objectives and the Standards and Guidelines for Rangeland Health were being made through implementation of the proposed action on the Hubbard Vineyard . . . Ecological conditions on the allotment have shown consistent maintenance or improvement, and conditions are expected to continue to improve under the proposed action."

The contents of this revision are noteworthy on at least two counts. First, it contains a detailed response to six comment letters, one of them the July 30, 2009, letter of WWP. One very important response is this: The WWP "assumes that Boies Ranches practices the high intensity low frequency grazing advocated by Holistic Management. This is not the case. Grazing on the Hubbard Vineyard Allotment more closely resembles a rest/rotation grazing system. The Boies team

WWP responded on March 14, 2008, by a notice of appeal, statement of reasons, and petition for stay,” sent from Katie Fite, to the BLM Solicitor and Bryan Fuell, Elko BLM, challenging the BLM Allotment Evaluation. This 21-page document accuses the BLM of eight violations. Much of the justification focuses on what WWP terms the “holistic grazing scheme.” It is not necessary to go into details, since many of the accusations will be repeated in later documents from WWP.

July 2009. BLM Hubbard Vineyard Allotment Revised Evaluation.

In this “Revised Evaluation of the Hubbard Vineyard Allotment” the BLM sketched three alternatives: (1) the current grazing permit would be renewed for ten years; (2) authorized use would remain the same, but with modifications; (3) no grazing would be allowed on the Hubbard Vineyard Allotment.¹⁸

Under alternatives (1) and (2) the Shoesole Resource Management Group would continue. This was a brave decision, because WWP is adamantly opposed to any such cooperative effort. They seem to realize that any successful, cooperative effort is an attractive alternative to the tactics of confrontation and litigation that have served WWP very well. In response to WWP, The Revised Evaluation of the Hubbard Vineyard Allotment spells out the role of the team, which is to strive for agreement on a management strategy. “All decision and policy making authority would continue to rest with the BLM as implemented through applicable regulations and land use plans.”¹⁹

July 30, 2009: WWP Comments

Needless to say, this revised evaluation drew a negative reaction from WWP as any plan allowing grazing on public lands or consensus building does. On July 30, 2009, Katie Fite addressed a letter to Bryan Fuell, beginning “Dear BLM.” It is a three-page screed full of accusations and “musts.” Here are six of the WWP comments with reasonable responses:

1. The WWP is dismayed about lack of information about cheatgrass and other invasive species. –Response: There are very clearly discussed in the plan (p. 8).

2. WWP suggests closing Devil’s Table, Hubbard Basin, and Cold Springs Mountain to all grazing use. – Response: That would take 41,843 acres out of grazing, more than one-third of the grazing allotment. It would probably make the ranch non-viable, which presumably is the reason for suggesting it. This suggestion is the basis for one of the alternatives in the January 2010 BLM Hubbard Vineyard Allotment Revised Evaluation, discussed below.

¹⁸ Hubbard Vineyard Allotment Revised Evaluation, July 2009, 60-67.

¹⁹ Hubbard Vineyard Allotment Revised Evaluation, July 2009, 60-61.

4. “There is no adequate assessment of the effects of the current maze of fences,” or “of the effects of any ‘temporary’ electric fencing that holistic grazers are so fond of.” Instead of fencing, the permittee should be required to hire-a herder or “the collaborative group members could take turns herding—since they are so enraptured with cattle use on HV.”

Response: Fences are important to the management plan for the Hubbard-Vineyard, but electric fencing is not being used. The impact of fencing on wildlife has been a prominent consideration in siting fences.

A further note from Katie Fife to Bryan Fuell, dated November 13, 2007, says: “We are alarmed that holistic grazers (Hubbard Vineyard) are claiming that the Holistic Group is grassroots NEPA. As I thought more about this, it seems that if this group is being used to influence public policy (as the HV HRN’ers clearly think they are, then the BLM, NCRS, the Forest Service or any other federal agency participating or fostering this group may be violating FACA [Federal Advisory Committee Act]. We ask BLM to remove itself from such undertakings and spend time focusing on the much-needed restoration processes across large areas of Nevada burned in recent fires, as well as in adopting non-HRM [the sentence is not finished] Relying on the feel-good myths of holistic grazing is counter all current ecological science.”¹⁶

February 14, 2008 BLM Multiple Use Decision: Hubbard Vineyard Allotment.

In this document the proposed action was to formally adopt the Holistic Management planning process currently in place on the Hubbard Vineyard Allotment. It described it as “a process that strives to optimize biodiversity and health of the land in order to achieve ecological, economic and social goals.” The document explains this planning process in some detail and spells of the grazing plan for the allotment. Two alternatives are analyzed: one is to discontinue the Holistic Management planning process, but keep the same number of AUMs [animal unit months]. The other was to renew the current grazing permit. In addition, three alternatives were eliminated from detailed analysis: no grazing; reduce livestock by 75%, which “would result in substantial adverse financial impacts to the existing livestock permittee and is considered unnecessary and unreasonable when other management practices are available to improve riparian conditions.” Another alternative that was eliminated from detailed analysis was ‘requiring active herding of livestock.’ This alternative was rejected for the reasons noted later in this paper.¹⁷

March 14, 2008: WWP, Notice of Appeal.

¹⁶ Katie Fife, WWP, to Bryan Fuell, BLM, Elko Field Office, November 13, 2007.

¹⁷ Hubbard Vineyard Allotment Multiple Use Decision, February 2008, 3-11.

feeding various substance [sic]; uniform and intense disturbance inflicted to microbiotic crusts and fragile arid lands vegetation communities.” “Holistic grazing,” her term, is a “scheme” for “purposeful destruction” of native sagebrush, bitterbrush, mountain shrubs and other vegetation.

Response: These assertions are gratuitous. What is practiced on the Hubbard-Vineyard is not Holistic Range Management in the narrower sense defined by Savory, but Holistic Management which tries to promote health of the ecological and human communities who lived on that land. The aim of Holistic Management is not to an “elaborate scheme” to avoid accountability and seek “purposeful destruction” of native plants. Nothing could be farther from the minds of the Boies or the management team. For example, what possible advantage could the Boies gain from eliminating bitterbrush, even if they wanted to, which they don’t?¹⁵

2. “HRM is also very expensive and a time sink for agency staff and others as endless meetings are conducted to promote continued grazing damage. There is no certainty on how public lands will be managed under this scheme—where a group often comprised primarily of ranching sycophants, accedes to the desires of the permittee. The group is essentially ‘cover’ for overstocking, damaging practices such as supplement feeding to destroy mature native vegetation, and other practices.”

Response: The two half-day meetings per year and the annual tour do take up some time, but not anywhere near as much time as responding to the scattergun accusations and legal maneuverings of the WWP. Reasonable time investment in planning and discussion results in efficiency later. The group is comprised mainly of federal government and state employees, none of whom to my knowledge is a ranching sycophant. The group is not a cover, but an effort of people of good will to communicate reasonably and solve problems in as fair, democratic and responsible way as possible.

3. Thirdly, “the agency basically cedes control of the annual grazing scheme to the HRM group.”

Response: I know from personal observation that this oft-repeated accusation from WWP is not true. The managing agency (BLM) maintains full decision making authority and the group acknowledges that.

¹⁵ One range scientist when it is necessary and in accordance with management objectives, livestock can be used as a vegetation management tool so that at times it may be appropriate for cattle to impart heavy impacts for purposes of desired vegetative community results, but not in the reckless haphazard and uncontrolled way that Ms. Fite imagines.

project until 2004. Then the agency completed additional evaluation studies and issued their re-evaluation in April/May 2007.

October 4/5, 2007. BLM: Hubbard Vineyard Allotment Evaluation Summary Report. Hubbard Vineyard Allotment Multiple Use Decision. Preliminary Environmental Assessment for the Hubbard Vineyard Allotment.

November 11, 2007: Response of WWP

Katie Fite replied with a cover letter¹³ (beginning “Dear Brya” [sic]) and a thirty-two-page document and a bibliography that she says she had submitted in on July 28, 2006, which the BLM ignored in preparing the Hubbard Vineyard allotment Evaluation Summary Report. This cover letter, like the document, is freighted with “musts.” It is also full of suspicions. For example,

We are very concerned that a large part of the reason BLM is rounding up even MORE wild horses in the Buck and Bald Complex and other areas is to try to make the land conditions appear better during these assessment processes. How many of these allotments overlap wild horse herd areas.¹⁴

The large document and bibliography from WWP is not always relevant to the Boies’ ranch, and the studies it cites may or may not be quoted out of context. The whole document is badly typed and would not be acceptable in a freshman composition class. That is rather surprising since this material is presumably submitted in many different contexts and is taken seriously by judges. Among the documents submitted is a document with a handwritten annotation, “Overhead from a talk of mine on HRM. You can see why I consider HRM witless nonsense. J.”

November 12, 2007: Further Response of WWP

The next day, Ms. Fite sent Mr. Fuell a twelve-page letter with additional comments of WWP on the Hubbard Vineyard Draft Environmental Assessment. It is somewhat disorganized. Here are some of the WWP comments and my responses to them:

1. Ms. Fite begins by detailing the deleterious effects of livestock grazing and trampling disturbance, especially by “holistic” grazing, which she declares is a way to avoid accountability and a process at odds with current ecological science. She refers to the grave risk of cheatgrass and other invasive species. According to her, Holistic Range Management is an “elaborate scheme of cow stomping and trampling; purposeful destruction of native sagebrush, bitterbrush, mountain shrubs and other vegetation through management practices such as

¹³ Katie Fite, WWP, to Bryan Fuell, BLM Elko Field Office, November 11, 2007.

¹⁴ Katie Fite, WWP, to Shawn DeForest, BLM Elko Field Office, July 28, 2006.

and although the cows are circulated through the different pastures, they are never kept in concentrations approaching feedlot figures.

The writings of Wendell Berry emphasize the irreplaceable value of local knowledge gained over lifetimes of living in a particular place. One of the distinct advantages of the Cooperative Management Group for the Hubbard-Vineyard ranch is that, with a view to improving the whole ecosystem, it pools the knowledge of the family, who have lived there for three generations and know the entire complex of private and public land better than anyone else has ever known it, with the expertise of the government scientists. If the Boies' family is forced to leave the ranch by WWP litigation, irreplaceable expertise will be lost, expertise that is inseparably linked with love of this particular place. I remember thinking how similar were a wildlife biologist's enthusiastic description of an encounter with some mountain sheep that live on the ranch and Steve Boies' joy at the spread of white sage in one pasture.

If families like the Boies are forced off their ranch, the result will not be a return to pristine wilderness, even if every cow is removed. The ranch is a checkerboard of public and private land. Without grazing allotments, the ranch is probably not viable. WWP surely knows that. So what will happen to the private land if the ranch has to be sold? There are three possibilities. One is that the Boies' water rights would be purchased by some entity that covets water: e.g., the city of Las Vegas or a mining company. Another is that the private ground would be divided into ranchettes, small parcels of lovely high country land, where wealthy people could have a second home or hunting lodge. Boies' Reservoir might be an excellent setting for a fishing resort located in handy proximity to Jackpot, NV. Or perhaps the private land would be purchased by a wealthy absentee owner, who would hire someone to manage the ranch for him. It is hard to imagine a more effective ways to disturb and degrade an ecosystem.

Litigation and Accusation

A WWP official told a BLM manager in Elko that WWP's aim is "to bring you down." The WWP's newsletter regularly trumpets their legal successes; e.g., "Victory! Western Watersheds Project Wins a Great Court Victory..." or "Biting Back: A Victory in Wyoming." Such victories are not surprising: WWP is well financed and well connected and very single-minded. They can appeal a BLM decision until it gets to the court of a judge who is sympathetic to their cause. Here is how that strategy is playing out regarding the renewal of the grazing allotment for the Hubbard Vineyard.

May 4, 2007: BLM: Revised Hubbard Vineyard Evaluation

The BLM's cover letter to 2007 Revised Hubbard-Vineyard Evaluation speaks of the evaluation released 1997. Responses were received from ten individuals and organizations. The BLM was not able to resume work on the

A fourth aim of WWP public relations effort is to give the impression that they are David to the cattle industry's Goliath. For example, one article in the *Western Watersheds Messenger* is entitled "Speaking Back to the Cattle Empire!"¹¹ From the Boies' point of view, the situation is just the opposite. They are not IBP (Iowa Beef Producers, now Tyson Fresh Meats) or ConAgra. They are a family operation with few financial resources faced by a well-funded, well-connected organization that has the resources and will to try to litigate them into oblivion. In fact, the WWP's ability to hamstring the Elko BLM office, requiring them to devote large amounts of staff time and legal counsel to defending every grazing decision they make, is quite remarkable and, I think, wasteful.

It is not surprising that the WWP's educational and public-relations efforts present a one-sided view (verbally and pictorially) of ranching. The organization believes that all ranching on public land (or, logically, any land in the West) is abusive, and they are not going to show or support anything that might counter that position. They are advocates for a clearly stated position; they are not interested in compromise or cooperation. Education on behalf of their position does not require them to do justice to the other side, that is, to ranch families who live on the land and raise cattle for a living and produce food.

Living on the Land

Human beings have a paradoxical relationship to nature: we are natural biological beings, who, as much as native bull trout, reintroduced species like wolves, and introduced species like feral horses, are part of the ecosystems we inhabit. On the other hand, we are also purposive, self-reflective beings who make (and unmake) decisions that impact the ecosystems of which we are a part. That we, or our cows or dogs, live in an ecosystem does not necessarily mean that the system is degraded, but it does mean that it will change—as it would do even if we didn't exist—in ways that are at least partially the result of our behaviors.

The question is what behavior is the right one. Granted that people are going to eat beef, should beef cattle be confined in feedlots, (Concentrated) Animal Feeding Operations ([C]AFOs), where animals are raised in a small area to which food is brought for them and effluents are concentrated, or should they be allowed to graze over wider expanses where they leave a light footprint? The dairy next to where I live has several thousand animals concentrated on less than 100 acres; and who knows how many cattle per acre the Simplot Cattle Company has in their CAFO at Grandview, ID feedlot. (Interestingly, WWP was willing to compromise with Simplot over grazing on 800,000 acres of public land near Jarbidge, NV).¹² The Hubbard Vineyard ranch has less than one cow per 50 acres;

¹¹ 14: 1 (Summer 2007) 11.

¹² Twin Falls, ID, Times-News 8/31/05; *WWP Online Messenger* #102 (www.westernwatersheds.org/news-media/online-messenger. Accessed Dec 10, 2009).

referred sarcastically to “the moral and professional integrity of the BLM.” He based these sweeping generalizations on specific instances, which if his presentation in words and photographs is fair, seems to show that the government agencies in the instances he cites were not doing their job. What their response would be is hard to say? If it is up to WWP, they will give their answer in court.

A second lesson the WWP wants to convey is that ranching in the West is not economically viable. George Wuerthner, who helped edit a book, *Welfare Ranching*, contributed an article arguing the point, illustrated with a photo credited to Katie Fite of what looks like a cow carcass lying on some rangeland with snow capped mountains in the background. The photo has the caption “Ranching in the West is Dying.” Wuerthner’s thesis is that rising land values have doomed ranching in the West. He tells the story of “Bob,” who eventually had to sell the family ranch to an “amenity buyer” who kept him on as ranch manager, but is more interested in elk and trout than cows.¹⁰ Whether ranching is economically sustainable or not in the long haul is a moot question, but the Boies’ Ranch has been sustainable up to now and still is. WWP would like to make sure that it won’t be in the future.

This question of the sustainability and economic viability of ranching in the West is, in my mind, part of the wider question of the economic viability and sustainability of American agriculture generally, faced with vertical integration, consolidation, absentee and corporate ownership, rising land prices (much of this fueled by the ability of wealthy people to buy up large tracts of land and use them as tax write-offs), all of which consolidates power away from the small producer. When WWP says that it represents 1500 constituents who would like to hike and camp on the Hubbard-Vineyard—very, very few of whom even know where the Hubbard Vineyard is—it is speaking for a small segment of the population that is predominately urban and wealthy.

A third message that WWP wants to convey is that the image of the American cowboy is highly romanticized. Wuerthner said that because Bob was employed by the amenity rancher who bought his ranch, “*Bob still gets to play cowboy running some cows. . . .*” The condescending tone is clear if one substitutes, “Bob still gets to play environmentalist” or “Bob still gets to play lawyer.”

¹⁰ George Wuerthner, “Is Ranching Sustainable?” *Western Watersheds Messenger* 15: 2 (Fall 2008) 4-5. The book is *Welfare Ranching: The Subsidized Destruction of the American West*, ed. George Wuerthner and Mollie Matteson (Sausalito, CA: Foundation for Deep Ecology, 2002). Greta Anderson and John Carter, “Chump Change for Super-sized Cows,” *Western Watersheds Messenger* 15, 1 (Spring 2008) 12, echo the refrain, when they refer to “programs to designed to prop up this dying industry.” Ms. Anderson repeats it again in *Western Watersheds Messenger* 14: 2 (Fall 2007) 5, “propping up a dying industry.”

1865 statement by the Apostle Orson Hyde of the Church of Latter Day Saints urging his flock to downsize their herds in order not to overgraze the lands. He continued, “but we have got to keep about what will serve us, and take care of them well; then we can enjoy ourselves, and we are not the authors of misery to any part of creation.” Dr. Erin Anchustegui, an adjunct philosophy professor at BSU who works in environmental ethics and is closely associated with WWP, in “Sage Observations; Ecological Conscience and Public Lands Ranching,” quotes Aldo Leopold: “A thing is right only when it tends to preserve the integrity, stability and beauty of the community and the community includes soil, waters, fauna, and flora, as well as people.”⁷ Dr. Anchustegui comments, “economic uses of land without the balancing of conservation strategies is exactly what Leopold would count as evidence of neither a land ethic nor ecological conscience.” One could turn this around and ask, what about conservation strategies without the balancing of the economic use of the land by people who care for the land and know it intimately?

Rhetorical Strategies

As their website indicates, one of WWP’s activities is education through the media. They have been very good at this. I have met very sincere people who have been convinced by what WWP has told them about ranching and public lands, and some of them are people who walk their environmental talk.

There is, however, a danger that we think that because we talk a certain way, read certain things, or donate to a cause, we are therefore changed people. For example, someone might subscribe to *Real Simple Magazine*, and then pat herself on the back for simple living, when in fact reading the magazine only prompted her to clutter her life still more. One can also contribute to get the hoof prints of cattle off BLM land while making a mighty big environmental footprint by building a 4000 square-foot-house (even if it has some solar panels) and buying fancy ski equipment at REI. “People often take their imagination for their heart, and often believe they are converted as soon as they start thinking of becoming converted.”⁸

So how does WWP teach people that any use of public lands for grazing domestic livestock is abusive? One way is to insinuate that any government cooperation with ranchers is a conspiracy to defraud the public. For example, an article in *Western Watersheds Messenger* declares, “the Forest Service is expert in circumventing both the spirit as well as the letter of NEPA [National Environmental Policy Act] by churning out bogus and fictional Environmental Analyses (EA’s) and Environmental Impact Statements (EIS’s).”⁹ The author

⁷ *Western Watersheds Messenger* 14: 2 (2007) 7.

⁸ Blaise Pascal, *Pensées*, 975/275.

⁹ Jonathan Ratner, “Federal Land Managers; Where is Your Moral Compass?” *Western Watersheds Messenger* 13: 2 (Summer 2006) 4-6.

and contract services were less than \$600,000.⁵ When I left, Mr. Marvel gave me his card and copies of a number of recent issues of WWP's newsletter, *Western Watersheds Messenger*.

The organization's website, explains that the organization (1) uses "vigorous litigation ... to challenge public-lands grazing practices that threaten watersheds and endangered species"; (2) employs field monitors to document abusive land-management practices [significantly, there is no mention of monitoring good land-management practices]; (3) "is one of six steering committee groups in NPLGC, a progressive plan to end abusive livestock grazing on America's public lands and compensate public-lands ranchers in the process"; (4) "has been very successful in bringing its conservation campaign to the attention of national press and policymakers."

"Abusive" Grazing

One might think that WWP, committed as it is to conservation, would be an eager participant in cooperative efforts like the Hubbard-Vineyard management team. However, for WWP *all* grazing on public lands is essentially "abusive," and their goal is to prevent all use of public lands by ranchers. As Katie Fite puts it, "isn't it time to end this public lands grazing madness and wanton destruction once and for all."⁶

For them any effort on the part of government agencies or private citizens to develop grazing strategies for public lands that can, in addition to providing forage resources, improve riparian habitats, protect sage grouse leks, or put exclosures around springs, are just ways of disguising abusive practices. Every cow on public lands is an abuse. If, in fact, a cooperative public-private effort to manage a watershed in such a way that the public and private lands are improved or sustained in a healthy condition succeeds, it undercuts the aim of the WWP to eliminate all grazing on public lands.

Occasionally, sources from outside WWP that are quoted approvingly in the *Western Watersheds Newsletter* suggest that not all livestock grazing is abusive. Thus, *Western Watersheds Messenger* 16, 2 (Summer 2009) includes an

⁵ *Western Watersheds Messenger*, 16: 1 (Spring 2009) 7, 15. One way WWP stretches its funds is that by the terms of the Equal Access to Justice Act, when it wins a lawsuit against BLM it is reimbursed by the government for its attorney fees and costs. According to Karen Budd Falen, between 2000 and 2009 in the Federal District Court for the District of Idaho, WWP received a total of \$999,190 in tax dollars for "reimbursement" for attorney fees and costs: (<http://idahofarmbureau.blogspot.com/2009/10/equal-access-to-justice-act.htm/>)

⁶ "Nothing Grows There . . ." *Western Watersheds Messenger* 15: 2 (Fall 2008) 8.

management. She is willing to experiment.⁴ Working with the BLM biologists has sharpened Steve's appreciation of the land he is using. By the December 2009 meeting, there was a high level of trust and commitment to the common goals of ecological, social and economic vitality for the Hubbard-Vineyard. However, there was also a strong current of uncertainty and fear regarding the future of the process and the ranch itself. The source of that fear was the Western Watersheds Project, whose founder and director is Jon Marvel.

Western Watersheds Project (WWP)

When Robin Boies came to me in 2001 to invite me to join the management team as a representative for the ecologically concerned public, it was against the background of the first tour the team made of the ranch, which Jon Marvel and Katie Fite, a lawyer and currently "biodiversity director" of the WWP, attended and disrupted. They have not attended a meeting since. Just before I wrote this essay in January 2010, I drove up to Hailey, ID, to visit the Western Watersheds Project head office. I had noticed the sign on its window several times through the years: it is located on Main Street, above Shorty's Diner, which abuts Sotheby's Hailey office. I paid the visit in order to have at least some experience of the flesh-and-blood human beings who staff WPP. It is unfortunately very easy demonize people one has never met, and I do not want to demonize anyone in this essay.

The office I entered was a large pleasant room: I met two young employees, one of whom handles media relations. Mr. Marvel was in a glassed-in cubicle in one corner. Mr. Marvel and I exchanged pleasantries and talked about issues in Jerome County, where I live, and where I was involved in fending off an attempt to build a coal-fired power plant. He mentioned the Jerome County commissioners, who are not notable proponents of environmental causes, the county's growing Hispanic population and the proliferation there of large dairies. He told me he has lived in Hailey for 30 years and is a licensed architect. He founded WWP in 1993 and led the organization for the first six years as a volunteer. In those years their chief concern was to challenge the Idaho state school lands allotments, which they felt were leased at too low a price. Now the organization espouses a number of environmental causes, lists 23 people as project directors, counsels, analysts, coordinators, monitors and specialists, and has four offices in Idaho as well offices in Arizona, California, Montana, Utah and Wyoming. That is a large staff and wide geographic spread for an organization whose income in 2008 was \$712,500 and whose expenses for payroll

⁴ For example, she set up a program to market grass-fed, grass-finished beef directly to consumers, which unfortunately did not work out logistically, but was both ecologically and nutritionally sound.

summer and projected improvements, like new fences or water systems. In the summer there is a tour of the ranch, which tends to focus on health of streams, where one obvious measurement is the health of riparian areas. In the fall, another meeting reviews and evaluates the grazing season that just ended. The meetings are usually attended by 12 to 15 people: various specialists from the BLM (e.g., fish or non-game biologists, plant scientists), Natural Resources Conservation Service, Nevada Department of Wildlife, University of Nevada Cooperative Extension, Northeastern Nevada Stewardship Group, Agee Smith of the Cottonwood Ranch, and occasionally other neighbors.

Joining the Team

In 2001 Robin Boies visited me at the monastery where I live near Twin Falls, ID, in order to ask me to be part of their recently formed collaborative management team. In making that request, the Boies were taking a pretty big risk. They didn't know me, only that I was someone with an interest in environmental ethics. In fact, I didn't know a great deal about the issues they were facing and I was inclined to assume that ranchers were bad for public lands. However, I agreed to try to come to the meetings and tours that are part of the team management model and also to do some reading.

The work of the team has required an effort to build up the trust required to listen to each other and to find solutions that respect each person's priorities, values, responsibilities and contributions. The process could not work without skilled facilitators. To start the process and to assess it, consultants involved in similar processes elsewhere have been brought in. Most of the time, though, the facilitator has been someone from a government agency other than the BLM, who has facilitation skills, believes in cooperative discussion, and knows ranching and land management in the area. Occasionally there have been conflicts: e.g., when the BLM cited Boies when some cows of their wandered through a downed fence into a field that was supposed to have been rested, or we tried to agree on measurable criteria (e.g., to require that all grass in certain grazed areas be a certain height clashed with the grazing rationale the team was following). Group members can disagree in the circle and walk away friends, or at least as people who conduct business cordially.

Over the last ten years thanks to good will and excellent facilitation, members of the team have grown to trust in the process and each other. Part of the success is because of Robin Boies, who is a fair-minded, intellectually alert person who loves the land and is committed to ecologically sound practices. She stays abreast of the literature about sustainable agriculture and cooperative land

Massachusetts, was married on the ranch in 2009; Steve's mother lives there as well. The houses and the outbuildings are very neatly kept. There are no piles of manure, no random dumps of old cars and rusting machinery. This is a successful ranch, because it is carefully maintained and economically operated.

Shoesole Collaborative Management Group

A decade ago, following the lead of Steve's cousin, Agee Smith, who owns the neighboring Cottonwood Ranch, the Boies began collaborative management of their ranch. One inducement to this innovation came from ideas promoted by Allan Savory.³ Savory taught that land stewardship works better if all interested parties work together to improve the ecological, social and economic health of land and its inhabitants. Hence, breaking from older patterns of adversarial relationship between ranchers, environmentalists and the government officials charged with managing public lands, the Boies formed a team, which joined to Cottonwood Ranch team gave rise to the Shoesole Resource Management Group. In it officials from public agencies, representatives of public interests (e.g., hunters and environmentalists) the ranch family, and anyone else interested in the ranch, collaborate to steward the interlocking parcels of privately owned land and allotments of leased public land with a view to improving the health of the ecological and human communities who live on that land. Although the group seeks to achieve consensus, final decisions regarding public lands remained with the BLM.

Another idea advocated by Savory was that after grass is grazed it will re-grow in a healthy way provided it is allowed to mature before it is grazed again. That is the way a herd of bison or wildebeests grazes on a prairie or savannah. They eat a patch of grass down, and then move on. If grazing animals are left in one area and eat the new re-growth they harm the grassland. Hence, Savory advocated that a ranch should be divided pastures, and when one parcel is grazed the cattle moved to a fresh parcel while the grazed parcel is given time to produce a mature crop of grass and forbs. It so happens that I know a family who use this method to raise 100 head of cattle on 300 acres of irrigated land in Jerome County, ID. Their small ranch uses almost no chemical fertilizers; they do not feed their cattle growth hormones or routinely administer antibiotics; their land is healthy and productive. They have seven grazing areas, through which the cows are rotated frequently. By contrast, the Boies pastures are much larger, there are more of them, and not all the cattle are together simultaneously in the same pasture, and the pastures are not grazed according to Savory's method, but less intensively for longer times, in a rest/rotation system. Some pastures on the Hubbard Vineyard are grazed only for a few months every third year.

The Hubbard Vineyard team has followed a schedule, whereby in a spring meeting they discuss plans for the grazing rotation of the cattle for the next

³ See www.holisticmanagement.org:

Demon Ranchers

Hugh Feiss¹

Someone driving for the first time from Twin Falls, ID, south on Highway 93 through sparsely settled high desert is startled to see a tall building looming over a hill. That building is the largest casino in Jackpot, NV, a town strategically located on the Idaho border. South of Jackpot the highway continues along Salmon Falls Creek through sagebrush country dotted with crumbling outcrops of granite. After twenty mile the highway runs beside a beautiful hay meadow with mountains looming on the horizon to the west. The borders of that meadow are filled in late spring with the songs of Yellow-breasted chats. An enormous, decades old, Golden-eagle's nest rests on the top of a rocky outcrop overlooking the meadow, where during the summer Sandhill cranes feed. This is the northern edge of the Hubbard Vineyard Ranch.

The Hubbard Vineyard Ranch

The Hubbard Vineyard was originally part of the Sparks and Harrell empire of the late 1800s. The Boies family has owned the ranch since the mid 1940s. It consists of 124,861 acres of which 12,595 are private; the rest is public land administered by the federal government's Bureau of Land Management (BLM). The ranch is divided into 18 pastures, which range in size from 9781 acres to 19,454 acres. Mining companies with no connection to the Boies family extract barite, a mineral used in oil well drilling. The allotment has experienced few fires; most notable was the Cold Springs fire that burned 6,927 acres at the north end of the allotment in 2000. There are no large areas of invasive species.² The elevations on the ranch run from 5600 ft. to 8500 ft. There are willows and aspens near streams and springs, but none of the ranch is forested. Boies Reservoir, on private land, is a popular fishing spot, and hunters, hikers and all-terrain vehicle operators have access to both the private and the public land.

The homes at the Hubbard and Vineyard ranches house three generation of the Boies family. Steve and Robin Boies operate the ranch; their two sons and are attending college but live at the ranch the rest of time; their daughter, who lives in

¹ Hugh Feiss is a Benedictine priest and monk of the Monastery of the Ascension, Jerome, ID. He holds advanced degrees in philosophy and theology. He taught at Mt. Angel Seminary for 30 years, where he developed a course on theology and ecology. He was a contributor to *And God Saw That It Was Good: Catholic Theology and the Environment*, ed. Drew Christiansen and Walter Grazer (Washington: United States Catholic Conference, 1996) and a consultant for *The Columbia River Watershed: Caring for Creation and the Common Good* (2001, See www.columbiariver.org).

² US Department of the Interior, Bureau of Land Management, Elko Field Office, July 2009, Hubbard Vineyard Allotment Revised Evaluation, 5-8

undesirable. It is true that in the past there has been overgrazing and other abuses of public lands, including those at the Hubbard-Vineyard. However, the current owners of the ranch have made great efforts to collaborate with the BLM and other agencies to improve the health of the intermingled public and private lands on the ranch. In the last ten years there has been noticeable improvement in riparian habitats and water quality. The permittees and the management team, like the BLM, are committed to bringing about continuing improvement. At the same time, raising cattle is not quite the same as no-trace camping. In the areas where cattle are grazing there will be evidence of their presence—cow pies and footprints in soft soil. However, hikers and campers, if there are any, and ATV riders and hunters, and those who fish in Boies Reservoir (on private land) will have plenty of areas on the ranch where there are no cows, because in every given year and season, large expanses are rested from grazing.

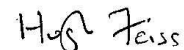
Alternative 3, the elimination of grazing in the Coon Creek, Devil's Table, Hubbard Basin and Cold Springs Mountain pastures would, as the EA (p. 30) says, probably make the ranch no longer economically viable, which presumably was Western Watersheds Projects intention in suggesting it. I am somewhat puzzled about Alternative 4: both why it was suggested and what its impact would be, but others with more expertise can address it.

If the permittee is forced to sell his land, the possibilities are not promising. The most likely of these, ranchettes ("hobby and/or lifestyle ranches") would be harmful to wildlife and reduce open space. Another possibility is an absentee ranch owner would not have the same intimate knowledge and love of the land. A wildhorse preserve would, I believe, be an ecological nightmare. Still another possibility, the purchase of the ranch's water rights by another entity might be worse. On the other hand, Alternative 2 offers ways to mitigate the impact of grazing on the springs in these pastures. In fact, at the last management group meeting we talked of making work on one or more of these a project of the group.

As I re-read the submissions from Ms. Katie Fite of Western Watersheds Projects regarding the Hubbard Vineyard allotment, I decided I would write an analysis and rebuttal, since their ideas seem tendentious and very unfair to the BLM and other parties involved. I am including a copy of that article that I may submit elsewhere for publication.

Once again, I would like to thank you for all the work you and your staff have put into this document. I agree that Alternative 2, the proposed action, is the best option.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hugh Feiss". The signature is fluid and cursive, with the first name "Hugh" and last name "Feiss" clearly distinguishable.

(Rev. Dr.) Hugh Feiss